UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUL 21 AM 11:58

UNITED STATES OF AMERICA, Plaintiff, v. **1.) Marco Antonio VALDEZ** **2.) Javier BALTIERRA-Rincon** Defendant(s)	Magistrate Case No. COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens; Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

'08 MJ 2219

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **July 18, 2008,** within the Southern District of California, defendant **Marco Antonio VALDEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jorge CORTEZ-Gomez, Amando JIMENEZ-Velasco,** and **Calistro CEBRERO-Peralta** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **July 18, 2008,** within the Southern District of California, defendant **Javier BALTIERRA-Rincon**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jorge CORTEZ-Gomez, Amando JIMENEZ-Velasco,** and **Calistro CEBRERO-Peralta,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF JULY 2008.

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF CO[MPL]AINT:
Marco Antonio VALDEZ
Javier BALTIERRA-Rincon

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jorge CORTEZ-Gomez, Amando JIMENEZ-Velasco,** and **Calistro CEBRERO-Peralta,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 18, 2008, Border Patrol Agent B. Watrous was performing line watch duties in the Pine Valley Station's area of operations. At approximately 10:30 A.M., Agent Watrous was driving southbound on Tierra Del Sol Road with Border Patrol Agent T. Macias and Border Patrol Agent D. Sumers when she observed a black Honda Accord abruptly turn east onto Zarina Lake Drive. This north/south road is approximately 20 miles east of the Tecate, California Port of Entry and four miles north of the United States/Mexico International Boundary. In Agent Watrous' experience, alien smugglers often use Zarina Lake Drive as a pick up point for illegal aliens due to its proximity to the International Border and several major highways.

Agent Watrous followed the vehicle onto Zarina Lake Drive and observed four Hispanic males jumping out of the vehicle in an attempt to abscond from the area as the vehicle continued eastbound. After sending the other agents after the four individuals that absconded, Agent Watrous continued following the vehicle down Zarina Lake Drive. The four individuals that jumped out of the vehicle into the surrounding brush gave up and walked over to Agent Macias and Agent Sumers with their hands up. Agent Macias and Agent Summers identified themselves as Border Patrol Agents and questioned each of the four individuals, including one later identified as defendant **Javier BALTIERRA-Rincon**, as to their citizenship. Each individual freely stated that they are citizens and nationals of Mexico without proper documents to be or remain in the United States legally.

Agent Watrous continued to follow the vehicle until it stopped and the driver exited the vehicle and began running westbound. Agent Watrous exited her vehicle and pursued the driver until catching up to him after approximately fifty yards. After identifying herself as a Border Patrol Agent, she placed the driver, later identified as the defendant **Marco Antonio VALDEZ**, under arrest for alien smuggling at approximately 10:42 A.M. The other four individuals were arrested for illegal entry into the United States. All five individuals, including BALTIERRA and VALDEZ, were transported to the Pine Valley Station for processing.

DEFENDANT STATEMENT: Javier BALTIERRA-Rincon

Defendant Javier BALTIERRA-Rincon was advised of his Miranda Rights which he understood and was willing to speak without an attorney present. BALTIERRA stated he is a Mexican Citizen. BALTIERRA stated that he last entered the United States two days ago in El Hongo. BALTIERRA stated that he was never inspected by an Immigration Officer at the Port of Entry. BALTIERRA stated that the purpose of his last entry was to guide three undocumented aliens for $750.00 USD per person.

CONTINUATION OF COMPLAINT:
Marco Antonio VALDEZ
Javier BALTIERRA-Rincon

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Jorge CORTEZ-Gomez**, **Amando JIMENEZ-Velasco**, and **Calistro CEBRERO-Peralta** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. All the material witnesses stated that they were to pay between $2,000.00 to $3,000.00 U.S. dollars to be smuggled to various parts of California. All the material witnesses stated that a foot guide led them across the border. When shown a photographic lineup, material witnesses CORTEZ, JIMENEZ, and CEBRERO were able to identify defendant **Marco Antonio VALDEZ** as the driver of the smuggling vehicle and were able to identify defendant **Javier BALTIERRA-Rincon** as the foot guide.

Executed on July 19, 2008, at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 18, 2008**, in violation of Title 8, United States Code, Section **1324**.

Leo S. Papas
United States Magistrate Judge

07/19/08 1:52 pm
Date/Time